

## **Chapter 4.64**

### **DISABILITY PENSION REVIEW COMMITTEE (POLICE AND FIRE PENSION PLANS)**

#### **Sections:**

- 4.64.010 Disability Pension Review Committee; Established; Quorum; Legal Counsel.
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- 4.64.020 Disability Pension Applications; Procedure; Appeal.
- 4.64.030 Temporary Total Disability; Recommendation of Disability Pension Review Committee; Conversion to Permanent and Total Disability.

#### **4.64.010 Disability Pension Review Committee; Established; Quorum; Legal Counsel.**

There is hereby established a committee to be known as the Disability Pension Review Committee which shall consist of the Health Director, the County Mental Health Director, and the Finance Director. The committee shall elect a chair and shall call meetings of the committee at such times as may be necessary to review disability pension applications. A quorum shall consist of all three members of the committee, and decisions shall be made by a majority vote of the committee. The City Attorney, or his designated representative, shall provide all necessary legal advice and representation to the Disability Pension Review Committee. (Ord. 16645 §1; July 25, 1994).

#### **4.64.020 Disability Pension Applications; Procedure; Appeal.**

(a) All applications for a disability pension under the Police and Fire Pension Plans shall be made directly to the Personnel Director or his designated representative, on such forms as may be required, accompanied by appropriate supporting medical records and other documentation. The Personnel Director, or his designated representative, shall review the documentation within ten working days after receipt thereof and shall in all cases make arrangements for an appropriate medical or psychiatric examination of the applicant by a qualified physician or psychiatrist. The selection of the physician or psychiatrist shall be solely within the discretion of the Personnel Director or his designated representative, and may include examination by specialists in the field of the type of injury or disorder upon which the applicant bases his or her application for a disability pension. All costs associated with such medical examinations shall be paid out of the Police and Fire Pension Fund as administrative costs thereof.

(b) Upon receipt of reports from the examining physician or psychiatrist, the Personnel Director shall notify the committee chair who shall call a meeting of the Disability Pension Review Committee for the purpose of reviewing the application, and all supporting medical reports and other documentation. Review of such applications and a recommendation thereon shall be made and forwarded to the Mayor within thirty days after the receipt of the medical or psychiatric reports from the examining physician or psychiatrist; provided, however, said time period for review and recommendation may be extended if, in the opinion of the committee, additional medical, psychiatric, or other examination is necessary to determine whether or not the applicant is entitled to the type of pension requested.

(c) In the event that the Disability Pension Review Committee, after receipt and review of all appropriate medical, psychiatric, and other information, determines that the applicant is not entitled to the pension requested, the committee shall, before forwarding the recommendation to the Mayor, advise the applicant thereof in writing and shall provide the applicant an opportunity to appear before the committee, either in person or through a representative, for the purpose of reviewing the determination of the committee and to submit additional relevant information, if any. Thereafter, the Disability Pension Review Committee shall forward either its original or revised recommendation to the Mayor. The Mayor shall review said recommendation and make a determination thereon in the form of a written executive order. The applicant, as well as the chief of the department involved, shall be advised in writing of the determination made by the Mayor in reference to said application. In the event that the determination is made that such applicant is eligible for placement upon the rolls of pensioned police officers and firefighters, such applicant shall be immediately be placed on said rolls and the Finance Director shall be directed to pay such benefits as may be due to the applicant from the Police and Fire Pension Fund.

(d) Any review of previously approved disability retirement benefits, as authorized in the Police and Fire Pension Plans, shall be conducted in accordance with the procedure set forth in subsections (b) and (c) above.

(e) The findings and determinations made by the Mayor relating to any application or review hereunder shall, for purposes of appeal, be considered a final administrative decision of the City of Lincoln. (Ord. 16645 §2; July 25, 1994).

#### **4.64.030 Temporary Total Disability; Recommendation of Disability Pension Review Committee; Conversion to Permanent and Total Disability.**

The Disability Pension Review Committee shall also be responsible for reviewing and making recommendations to the Mayor, upon the request of the chief of the department involved, on the appropriateness of converting temporary total disability payments into permanent and total disability payments pursuant to the applicable provisions of the Police and Fire Pension Plans. (Ord. 16645 §3; July 25, 1994).